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Attorneys for Cross-Defendant MOSEN O'HADI aka  
MOSEN OHADI, dba MALIBU PACIFIC and/or  
MALIBU PACIFIC REAL ESTATE CO and/or  
MALIBU COASTAL INSURANCE SERVICES

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

HARTFORD CASUALTY INSURANCE  
COMPANY, an Indiana Corporation,

Plaintiff,

v.

FIREMAN'S FUND INSURANCE  
COMPANY, a California Corporation;  
BURNS & WILCOX INSURANCE  
SERVICES, INC., a California  
Corporation, and DOES 1 to 50,

Defendants.

Case No. 3:15-cv-02592 SI

**CROSS-DEFENDANT MOSEN O'HADI'S  
MOTION IN LIMINE NO. 5 FOR THE  
PARTIES TO PROVIDE ADVANCE  
NOTICE OF WITNESSES AND  
DOCUMENTS TO BE USED AT TRIAL**

Complaint

Filed: June 10, 2015  
Trial: November 14, 2016

BURNS & WILCOX INSURANCE  
SERVICES, INC., a California  
Corporation,

Cross-Complainant,

v.

MOSEN O'HADI aka MOSEN OHADI,  
dba MALIBU PACIFIC and/or MALIBU  
PACIFIC REAL ESTATE CO and/or  
MALIBU COASTAL INSURANCE  
SERVICES, and ROES 1 – 100, inclusive,

Cross-Defendants.

I.

INTRODUCTION

Cross-Defendant MOSEN O'HADI ("O'Hadi") hereby moves this Court, in limine, for an Order requiring the parties to provide each other with advance notice of any witnesses expected to be called at trial and documents, not previously admitted, which a party intends to admit into evidence or elicit witness testimony. It is requested that notice of such documents and witnesses be provided no later than 5:00 p.m. the court day before their use at trial.

II.

AUTHORITY FOR MOTIONS IN LIMINE

A motion in limine is "any motion, whether made before or during trial, to exclude anticipated prejudicial evidence before the evidence is actually offered." *Luce v. United States*, 469 U.S. 38, 40 (1984). Although motions in limine are not expressly authorized by the Federal Rules of Civil Procedure or the Federal Rules of Evidence, it is recognized that such motions are proper requests which the trial court has the inherent power to entertain and grant. *See Ohler v. United States*, 529 U.S. 753, 758 (2000); *Padillas v. Stork-Gamco, Inc.*, 186 F.3d 412, 417 (3rd Cir. 1999); *United States v. Cook*, 608 F.2d 1175, 1186 (9th Cir. 1979) (explaining that the matter should be left to trial court's discretion "with a reminder that advance planning helps both parties and the court"); *Luce v. United States*, 469 U.S. 38, 41 (1984); *United States v. Holmquist*, 36 F.3d 154, 163 (1st Cir. 1994).

III.

ARGUMENT

**A. The Parties Should Provide Advance Notice Of Each Witness And Each Document, Not Previously Admitted, It Intends To Use At Trial**

O'Hadi hereby moves this Court, in limine, for an order instructing the parties to:

1. Advise the court and each other no later than 5:00 p.m. the court day before of any witnesses a party intends to call at trial; and
2. Advise the court and each other no later than 5:00 p.m. the court day before of their intent to admit specific documents, not previously admitted, which a party intends to admit into evidence or elicit witness testimony; and

